IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4605 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? YES : YES

2. To be referred to the Reporter or not? NO : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? NO : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? NO : NO

5. Whether it is to be circulated to the Civil Judge? NO : NO

AHMEDABAD DISTRICT COOPERATIVEMILK PRODUCERS' COOPERATIVE

Versus

RAJESHKUMAR BABUBHAI PARMAR

Appearance:

MR BB NAIK for Petitioner

MR DS VASAVADA for Respondent No. 1

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 28/01/2000

ORAL JUDGEMENT

1. Rule. Mr.Vasavada waives service of rule.

2. On the joint request of learned counsel for the respective parties, this petition is taken up for final hearing today.

3. I have heard the learned counsel for the respective parties, perused the impugned judgement and award and such other evidence on record to which my attention has been drawn.

4. As a result of the hearing and discussion, it becomes obvious that the respondent workman was a daily wager and was employed as a helper.

The net effect of the impugned order is that he has been directed to be reinstated to his original post without backwages "when the dairy re-starts its working". It is now common ground that the dairy has re-started working since sometime.

5. As a result of the hearing and discussion, a consensus has been arrived at between the learned counsel, on the basis of which, the following directions are given :

The impugned award is upheld and confirmed, subject to the direction that when the concerned workman is reinstated to his original post, that is to say, his name is put back in the list of daily wagers, he shall be placed in such list as on 1/1/1998.

Subject to the aforesaid direction and clarification, the impugned award stands confirmed. Rule made absolute with no order as to costs.

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